



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice
Joint Committee on Public Health
March 7, 2012**

**H.B. No. 5037: An Act Implementing the Governor's Budget Recommendations
Concerning Public Health**

The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report for H.B. No. 5037, An Act Implementing the Governor's Budget Recommendations Concerning Public Health, to incorporate substitute language that is being submitted by the Psychiatric Security Review Board (PSRB).

The Division's concerns with regard to H.B. No. 5037 are limited solely to those sections concerning the PSRB. Since its establishment, the board has been an independent agency in the executive branch of state government. The Division firmly believes the PSRB as an independent agency has served the criminal justice system – and by extension and most important, the interests of justice – with great distinction. The Division of Criminal Justice fully understands the need for and supports efforts to achieve greater efficiency in the delivery of services to maximize the utilization of limited resources. At the same time we cannot understate the importance of maintaining the independence of the PSRB in terms of its decision-making authority.

The PSRB was established to assume monitoring and oversight functions for acquittees in criminal cases whose status previously was monitored and overseen by the Judicial Branch through the Superior Court. As was the case with the court, the PSRB reviews and scrutinizes the treatment programs and recommendations of the Department of Mental Health and Addiction Services. Clearly this decision-making role must remain independent of DMHAS. The challenge raised by the concept of H.B. No. 5037 is how to achieve efficiencies by having strictly clerical and administrative functions of the board into DMHAS without compromising the independent decision-making authority of PSRB. While the effective sharing of administrative and support services between PSRB and DMHAS may make for greater efficiency, it must be accomplished in a fashion that protects against the potential for conflict and maintains the independence of PSRB decision-making.

As such, the Division respectfully recommends that the Committee amend H.B. No. 5037 to clearly protect the integrity and independence of the PSRB decision-making process. The PSRB has submitted substitute language to accomplish this goal. The Division supports the position of the board. We would, however, further suggest that the Committee consider some mechanism to monitor the consolidation of PSRB into DMHAS to assure that the independence